

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

RYAN MCCOURT and  
KENNETH HARTLEY,

Defendants.

Crim. No. 08-10048-JLT

Violation: 18 U.S.C. § 371

SUPERSEDING INFORMATION

THE UNITED STATES ATTORNEY in and for the District of

Massachusetts charges that:

COUNT ONE

(Conspiracy to Make False Statements Regarding Federal Highway Projects)  
(18 USC §371)

At times material to this Information:

1. The Central Artery/Tunnel (hereinafter "CA/T") project, colloquially known as the "Big Dig," was a multi-billion dollar Interstate Highway System public construction project in the city of Boston funded by agencies and departments of the state and federal government. The CA/T project built or reconstructed about 7.5 miles of urban highways, about half of them underground.
2. The Federal Highway Administration (hereinafter "FHWA") is an operating administration of the United States Department of Transportation which administers the distribution of federal funds to state and local agencies responsible for building and maintaining

roadways, bridges and tunnels. FHWA's functions, as delegated by the United States Secretary of Transportation, included approving CA/T construction projects and distributing federal highway construction funds for use on CA/T construction projects to the Commonwealth of Massachusetts. A series of Congressional acts authorized federal funds to be spent on the CA/T project. In 1987, Congress passed The Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA). The 1987 Act was followed by The Intermodal Surface Transportation Efficiency Act (ISTEA) Implementation Interstate Maintenance Program in 1991. On June 9, 1998, Congress passed The Transportation Equity Act for the 21st Century. Finally, on August 10, 2005, Congress passed The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. By project's end, the federal government will have spent approximately \$8.549 billion on the Big Dig.

3. C17AA was the CA/T "mainline tunnel" finishing contract which encompassed the northbound and southbound lanes of Interstate 93. A major part of the contract called for the installation of iron rebar, electrical conduit, fireproofing materials, etc, as well as carpentry, masonry, tiling and plumbing work within the tunnel. McCourt Construction Co. Inc., which was doing business as McCourt/Obayashi Joint Venture (hereinafter "McCourt Construction or the General Contractor), was the general construction contractor on C17AA. McCourt Construction subcontracted a portion of the work on C17AA to various contractors, but retained the majority of the work for itself.

4. The McCourt/Obayashi Joint Venture was formed in 1998 and is headquartered in Boston, Massachusetts. McCourt Construction was designated the Managing Party of the McCourt/Obayashi Joint Venture. McCourt Construction was a general contractor involved in

large scale, complex construction projects including highway and street construction. McCourt Construction had business offices located at 51 Melcher Street, Boston, Massachusetts.

5. Among other trade persons, McCourt Construction employed iron workers, bricklayers and carpenters who were members of the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Local 7 (hereinafter Iron Workers Local 7), the International Union of Bricklayers and Allied Craftsmen, Local 3 (hereinafter Bricklayers Local 3) and the United Brotherhood of Carpenters and Joiners of America, Local 723 (hereinafter Carpenters Local 723), which are all located in Boston, Massachusetts. McCourt Construction paid members of Iron Workers Local 7, Bricklayers Local 3 and Carpenters Local 723 at various rates according to their experience; accordingly, McCourt Construction paid journeymen level workers more than apprentice level workers. The rates of pay for each job classification were specified in the Project Labor Agreement for the CA/T project and the Collective Bargaining Agreement between McCourt Construction and Iron Workers Local 7, Bricklayers Local 3 and Carpenters Local 723.

6. C17AA was a fixed price contract that was subsequently modified on numerous occasions to provide for unanticipated additional work. Much of this additional work was paid on a "time and material" basis. This meant that McCourt Construction and its subcontractors were paid by the CA/T for actual expenses plus 10% for overhead and an additional 10% for profit. Generally, this time and materials work was generated by changes to the original contract by the CA/T. These changes were known as "contract modifications," and were not bid at a specific price due to the uncertain scope of the new work. Thus, McCourt Construction and its subcontractors were required by CA/T procedures to detail the actual expenses they incurred in

performing the work on a form titled, "Daily Report – Labor, Material & Equipment Form."

This form was commonly referred to as a "T & M" or "time and materials" slip. McCourt Construction and its subcontractors were required to report on each time and materials slip the hours worked by each tradesperson and the classification of that tradesperson. The classification of each tradesperson determined the rate of pay for that tradesperson and, therefore, determined the amount of money that McCourt Construction and its subcontractors were to submit for that tradesperson's time.

7. Beginning in or about 2001 and continuing through about June 2004, defendant KENNETH F. HARTLEY worked in and/or was responsible for the department that created the claims for payment for T & M work. During this time period, KENNETH F. HARTLEY supervised and certified this "Claims and Changes" process.

8. Beginning in or about January 2004 and continuing through December 2005, defendant RYAN MCCOURT worked in the department that created the claims for payment for T & M work. From about July 2004 through December 2005, RYAN MCCOURT supervised and certified this "Claims and Changes" process.

9. Defendants KENNETH F. HARTLEY and RYAN MCCOURT, McCourt Construction and its subcontractors certified the accuracy of the information contained within the claims packages. McCourt Construction and its subcontractors were required to verify that the information contained within the claims packages was correct.

10. Beginning in early 2002, defendant KENNETH F. HARTLEY and others known and unknown to the United States did unlawfully and knowingly combine, conspire, confederate and agree together and with each other to make false statements, false representations, false

reports, and false claims with respect to the character, quality, quantity, and cost of any work performed in connection with the construction of any highway or related project approved by the Secretary of Transportation in violation of Title 18, United States Code, Section 1020 in that defendant KENNETH F. HARTLEY and others known and unknown to the United States did combine, confederate and agree to falsify information contained in the claims packages submitted by McCourt Construction Company to the CA/T project, a federally funded highway project, claiming payment for the labor of journeymen tradespersons when, in truth and fact, that labor was performed by apprentice tradespersons. In or about early 2004, the defendant RYAN MCCOURT knowingly joined this ongoing conspiracy and continued to participate in the conspiracy until December 2005.

11. It was part of the conspiracy that defendant KENNETH F. HARTLEY informed defendant RYAN MCCOURT that it was the practice of McCourt Construction Co. to submit claims for payment for work performed by apprentice level workers at higher journeymen rates. This was accomplished by submitting time and materials slips to the CA/T project which often falsely stated that particular workers were journeyman when they were, in truth and fact, apprentices. This conspiracy was further accomplished by submitting labor calculation sheets to the CA/T project which falsely billed apprentice level workers at the higher journeyman rate when, in truth and fact, that labor was performed by apprentice level workers. In June 2004, defendant KENNETH F. HARTLEY retired from employment with McCourt Construction and had no further involvement in preparing time and materials sheets or claims for payment for submission to the CA/T Project.

12. Despite the fact that McCourt Construction billed the CA/T project for the work

of apprentice level workers at journeymen rates, McCourt Construction actually paid apprentice level workers at apprentice rates.

13. It was part of the conspiracy that defendants KENNETH F. HARTLEY and RYAN MCCOURT and their co-conspirators submitted numerous time and material slips and/or claims for payment to the CA/T project which falsely claimed that apprentice level labor had been performed by journeymen tradespersons.

14. Beginning in or about 2002 and continuing through about June 2004, in furtherance of the conspiracy and to effect the objects thereof, defendant KENNETH F. HARTLEY committed and caused to be committed, in the District of Massachusetts and elsewhere, numerous overt acts including those set forth below. Each of the following overt acts involved the submission of a claims package containing false information regarding the classification of apprentice level workers' labor at the higher journeymen rate as part of a claim for payment.

| <b>Overt Act</b> | <b>Date False Claim<br/>Submitted to CA/T<br/>Project</b> | <b>Apprentice Falsely Billed<br/>as Journeyman</b> | <b>T&amp;M Date</b> |
|------------------|-----------------------------------------------------------|----------------------------------------------------|---------------------|
| 1                | January 8, 2002                                           | L. C.                                              | December 18, 2001   |
|                  |                                                           | J. E.                                              | December 18, 2001   |
| 2                | February 5, 2002                                          | R. M.<br>M. W.                                     | January 18, 2002    |

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|----|-------------------|-------|-------------------|
| 3  | March 21, 2002    | J. L. | January 29, 2002  |
|    |                   | M. W. |                   |
|    |                   | P. M. | January 29, 2002  |
|    |                   | P. M. | February 14, 2002 |
|    |                   | J.E.  |                   |
|    |                   | S. C. | March 6, 2002     |
|    |                   | F. S. | March 6, 2002     |
| 4  | June 14, 2002     | P. M. | February 7, 2002  |
|    |                   | J. E. |                   |
| 5  | July 1, 2002      | L. C. | May 8, 2002       |
| 6  | July 8, 2002      | D. W. | May 3, 2002       |
|    |                   | B. A. |                   |
| 7  | August 13, 2002   | L. C. | May 24, 2002      |
|    |                   | J. Y. |                   |
|    |                   | L. C. | June 4, 2002      |
| 8  | October 3, 2002   | S. C. | June 24, 2002     |
| 9  | December 16, 2002 | D. C. | September 5, 2002 |
|    |                   | T.G.  |                   |
|    |                   | R. L. | September 5, 2002 |
|    |                   | G. M. |                   |
| 10 | January 6, 2003   | B. F. | October 23, 2002  |
| 11 | January 9, 2003   | B. A. | July 24, 2002     |
|    |                   | B. F. |                   |

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|----|-------------------|-------|-------------------|
| 12 | January 22, 2003  | W. J. | December 18, 2002 |
|    |                   | B. P. |                   |
|    |                   | J. E. | December 18, 2002 |
| 13 | February 3, 2003  | K. L. | October 30, 2002  |
|    |                   | B. A. |                   |
|    |                   | T.G.  | October 30, 2002  |
| 14 | February 12, 2003 | R. M. | December 17, 2002 |
|    |                   | J. E. |                   |
|    |                   | W. J. |                   |
|    |                   | J. L. | December 20, 2002 |
| 15 | March 4, 2003     | S. C. | November 14, 2002 |
| 16 | March 17, 2003    | M. P. | January 7, 2003   |
| 17 | March 20, 2003    | B.P.  | January 6, 2003   |
|    |                   | B. P. | January 14, 2003  |
|    |                   | J. B. |                   |
| 18 | March 25, 2003    | R. M. | January 10, 2003  |
| 19 | March 26, 2003    | T. G. | January 16, 2003  |
| 20 | March 28, 2003    | J. C. | February 18, 2003 |
| 21 | April 4, 2003     | J. C. | March 13, 2003    |
|    |                   | J. C. | March 14, 2003    |
| 22 | April 22, 2003    | D. C. | March 16, 2003    |
| 23 | April 30, 2003    | B. A. | February 14, 2003 |



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|----|-------------------|-------|-------------------|
| 24 | May 1, 2003       | B. A. | February 14, 2003 |
| 25 | May 27, 2003      | L. C. | May 14, 2003      |
| 26 | June 4, 2003      | B. P. | December 20, 2002 |
|    |                   | B. P. | December 24, 2002 |
|    |                   | J. B. | December 26, 2002 |
|    |                   | B. P. | December 27, 2002 |
| 27 | June 9, 2003      | J. Y. | August 26, 2002   |
| 28 | June 17, 2003     | J. C. | March 29, 2003    |
| 29 | June 18, 2003     | J. C. | March 19, 2003    |
| 30 | July 1, 2003      | K. L. | March 17, 2003    |
|    |                   | W.J.  |                   |
|    |                   | T. G. | March 29, 2003    |
| 31 | July 31, 2003     | D. C. | May 20, 2003      |
|    |                   | G. B. | May 20, 2003      |
|    |                   | G. B. | May 22, 2003      |
| 32 | August 11, 2003   | R. C. | March 13, 2001    |
| 33 | August 12, 2003   | M. M. | March 4, 2003     |
| 34 | September 4, 2003 | D. C. | June 10, 2003     |
|    |                   | D. C. | June 11, 2003     |
|    |                   | D. C. | June 12, 2003     |
|    |                   | D. C. | June 13, 2003     |
|    |                   | D. C. | June 16, 2003     |
|    |                   | J. W. | June 16, 2003     |
|    |                   | D. C. | June 17, 2003     |
|    |                   | J. W. |                   |

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|  |  | D. C. | June 18, 2003 |
|  |  | J. W. |               |
|  |  | D. C. | June 19, 2003 |
|  |  | J. W. | June 19, 2003 |
|  |  | D. C. | June 20, 2003 |
|  |  | J. W. | June 20, 2003 |
|  |  | D. R. |               |
|  |  | M. B. |               |
|  |  | D. C. | June 23, 2003 |
|  |  | J. W. | June 23, 2003 |
|  |  | D. R. |               |
|  |  | M. B. |               |
|  |  | D. C. | June 24, 2003 |
|  |  | J. W. |               |
|  |  | D. R. | June 24, 2003 |
|  |  | M. B. |               |
|  |  | D. C. | June 25, 2003 |
|  |  | J. W. |               |
|  |  | D. R. | June 25, 2003 |
|  |  | M. B. |               |
|  |  | D. C. | June 26, 2003 |
|  |  | J. W. |               |
|  |  | D. R. | June 26, 2003 |
|  |  | M. B. |               |

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|  |  | L. P. | June 26, 2003 |
|  |  | D. C. | June 27, 2003 |
|  |  | J. W. |               |
|  |  | D. R. | June 27, 2003 |
|  |  | M. B. |               |
|  |  | L. P. | June 27, 2003 |
|  |  | D. R. | June 30, 2003 |
|  |  | M. B. |               |
|  |  | L. P. |               |
|  |  | D.C.  | June 30, 2003 |
|  |  | R. T. | June 30, 2003 |
|  |  | D. R. | July 1, 2003  |
|  |  | R. T. | July 1, 2003  |
|  |  | D. C. | July 2, 2003  |
|  |  | J. W. |               |
|  |  | D. R. |               |
|  |  | M. B. | July 2, 2003  |
|  |  | R.T.  |               |
|  |  | D. C. | July 3, 2003  |
|  |  | J. W. | July 3, 2003  |
|  |  | D. R. |               |
|  |  | M. B. |               |

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|  |  | L. P. | July 3, 2003  |
|  |  | R. T. |               |
|  |  | D. C. | July 7, 2003  |
|  |  | J. W. | July 7, 2003  |
|  |  | D. R. | July 7, 2003  |
|  |  | M. B. |               |
|  |  | R.T.  |               |
|  |  | D. C. | July 8, 2003  |
|  |  | J.W.  |               |
|  |  | R.T.  | July 8, 2003  |
|  |  | M.B.  |               |
|  |  | D.R.  | July 8, 2003  |
|  |  | D. C. | July 9, 2003  |
|  |  | D. R. |               |
|  |  | M. B. |               |
|  |  | J. W. | July 9, 2003  |
|  |  | L. P. | July 9, 2003  |
|  |  | D. C. | July 10, 2003 |
|  |  | J. W. |               |
|  |  | D. R. |               |
|  |  | M. B. |               |
|  |  | R. T. | July 10, 2003 |

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|  |  | J. W. | July 11, 2003 |
|  |  | D. R. |               |
|  |  | M. B. |               |
|  |  | R. T. |               |
|  |  | R. T. | July 14, 2003 |
|  |  | J. W. | July 14, 2003 |
|  |  | M. B. |               |
|  |  | D. R. | July 14, 2003 |
|  |  | L. P. |               |
|  |  | R. T. | July 15, 2003 |
|  |  | L. P. |               |
|  |  | D. R. | July 15, 2003 |
|  |  | J. W. | July 16, 2003 |
|  |  | D. R. | July 16, 2003 |
|  |  | M. B. |               |
|  |  | R. T. |               |
|  |  | P. M. | July 16, 2003 |
|  |  | J. W. | July 17, 2003 |
|  |  | P. M. |               |
|  |  | D. R. | July 17, 2003 |
|  |  | M. B. |               |
|  |  | R. T. |               |

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|  |  | J. W. | July 18, 2003 |
|  |  | D. R. |               |
|  |  | M. B. |               |
|  |  | L.P.  |               |
|  |  | R. T. | July 18, 2003 |
|  |  | D. R. | July 21, 2003 |
|  |  | L. P. | July 21, 2003 |
|  |  | M. B. |               |
|  |  | D. C. | July 21, 2003 |
|  |  | D. R. | July 22, 2003 |
|  |  | L.P.  | July 22, 2003 |
|  |  | J.W.  |               |
|  |  | R. T. | July 22, 2003 |
|  |  | D. C. |               |
|  |  | M. B. |               |
|  |  | L. P. | July 23, 2003 |
|  |  | D. C. | July 23, 2003 |
|  |  | M. B. |               |
|  |  | D. R. |               |
|  |  | R. T. | July 23, 2003 |
|  |  | D. C. | July 24, 2003 |

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|  |  | M. B. | July 24, 2003 |
|  |  | D. R. |               |
|  |  | R. T. |               |
|  |  | L. P. |               |
|  |  | D. C. | July 25, 2003 |
|  |  | M. B. |               |
|  |  | D. R. | July 25, 2003 |
|  |  | R. T. |               |
|  |  | L. P. |               |
|  |  | D. C. | July 28, 2003 |
|  |  | M. B. |               |
|  |  | K. L. | July 28, 2003 |
|  |  | D. R. |               |
|  |  | R. T. | July 28, 2003 |
|  |  | L. P. |               |
|  |  | D. C. | July 29, 2003 |
|  |  | K. L. |               |
|  |  | B. A. |               |
|  |  | D. R. | July 29, 2003 |
|  |  | R. T. |               |
|  |  | L. P. |               |

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|  |  | D. C. | July 30, 2003  |
|  |  | K. L. |                |
|  |  | M. B. |                |
|  |  | B. A. | July 30, 2003  |
|  |  | D. R. |                |
|  |  | R. T. |                |
|  |  | L. P. |                |
|  |  | D. C. | July 31, 2003  |
|  |  | K. L. |                |
|  |  | M. B. |                |
|  |  | B. A. | July 31, 2003  |
|  |  | R. T. |                |
|  |  | L. P. |                |
|  |  | D. R. |                |
|  |  | S. C. | August 1, 2003 |
|  |  | M. B. |                |
|  |  | D. C. |                |
|  |  | K. L. | August 1, 2003 |
|  |  | B. A. |                |
|  |  | R. T. |                |
|  |  | L. P. |                |
|  |  | D. R. | August 1, 2003 |



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|    |                    | K. L. | August 4, 2003    |
|    |                    | B. A. |                   |
|    |                    | K. L. | August 5, 2003    |
|    |                    | B. A. |                   |
|    |                    | K. L. | August 7, 2003    |
|    |                    | B. A. |                   |
|    |                    | K. L. | August 8, 2003    |
|    |                    | B. A. |                   |
|    |                    | D. C. | August 11, 2003   |
|    |                    | K. L. |                   |
|    |                    | B. A. |                   |
|    |                    | K. L. | August 12, 2003   |
|    |                    | B. A. |                   |
| 35 | September 8, 2003  | J. J  | April 1, 2002     |
| 36 | September 9, 2003  | B. A. | February 10, 2003 |
| 37 | September 12, 2003 | B. A. | June 23, 2003     |
|    |                    | G. B. | June 23, 2003     |
| 38 | September 16, 2003 | W. J. | July 8, 2003      |
|    |                    | T. G. | August 27, 2003   |
|    |                    | T. G. | August 28, 2003   |
|    |                    | T. G. | August 29, 2003   |

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| 39 | September 30, 2003 | R. T.<br>S. C.<br>K. L.<br>B. A. | September 18, 2003 |
| 40 | October 1, 2003    | B. A.<br>K. L.                   | August 21, 2003    |
| 41 | October 29, 2003   | R. C.                            | October 8, 2003    |
|    |                    | B. A.                            | October 8, 2003    |
|    |                    | K. L.                            |                    |
| 42 | November 11, 2003  | J. C.                            | October 21, 2003   |
| 43 | November 24, 2003  | R. C.                            | September 20, 2003 |
|    |                    | B. P.                            |                    |
| 44 | December 16, 2003  | B. A.                            | November 10, 2003  |
|    |                    | K. L.                            |                    |
| 45 | December 24, 2003  | J.Y.                             | November 20, 2003  |
| 46 | December 31, 2003  | S. H.                            | October 29, 2003   |
|    |                    | S. H.                            | October 30, 2003   |
|    |                    | S. H.                            | October 31, 2003   |
|    |                    | J. C.                            | November 22, 2003  |
|    |                    | J. C.                            | November 23, 2003  |
|    |                    | J. C.                            | November 24, 2003  |
| 47 | January 14, 2004   | S. H.                            | November 14, 2003  |
| 48 | January 16, 2004   | J. C.                            | December 9, 2003   |
| 49 | February 6, 2004   | K. W.                            | December 3, 2003   |

|    |                   |           |                   |
|----|-------------------|-----------|-------------------|
|    |                   | S. H.     | December 8, 2003  |
|    |                   | K. W.     | December 9, 2003  |
|    |                   | S. H.     | December 10, 2003 |
|    |                   | K. W.     | December 12, 2003 |
|    |                   | S. H.     | December 13, 2003 |
|    |                   | S. H.     | December 14, 2003 |
|    |                   | S. H.     | December 17, 2003 |
|    |                   | S. H.     | December 18, 2003 |
| 50 | February 19, 2004 | D. C.     | November 19, 2003 |
|    |                   | P. D.     |                   |
| 51 | March 10, 2004    | T.G., Jr. | November 14, 2003 |
|    |                   | B. A.     | November 14, 2003 |
|    |                   | K. L.     |                   |
|    |                   | J. C.     | November 14, 2003 |
|    |                   | D. C.     | November 14, 2003 |
|    |                   | P.D.      |                   |
|    |                   | L.P.      |                   |
|    |                   | T. G.     | November 14, 2003 |
|    |                   | D. R.     | November 14, 2003 |
|    |                   | R.T.      |                   |
|    |                   | J.L.      |                   |
|    |                   | S. C.     | November 14, 2003 |
|    |                   | G.B.      | November 14, 2003 |
|    |                   | Z. K.     | November 14, 2003 |

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|    |                | D. T.   | November 14, 2003  |
|    |                | J. Y.   |                    |
|    |                | J. C.   | November 15, 2003  |
|    |                | B. P.   | November 15, 2003  |
|    |                | R. C.   | November 15, 2003  |
|    |                | T.G.    |                    |
|    |                | S. C.   | November 15, 2003  |
|    |                | R.T.    | November 15, 2003  |
|    |                | D.R.    |                    |
|    |                | M.B.    |                    |
|    |                | B. A.   | November 15, 2003  |
|    |                | K. L.   |                    |
|    |                | T. G.   |                    |
| 52 | March 18, 2004 | D. C.   | November 15, 2003  |
|    |                | K. L.   | September 23, 2003 |
|    |                | B.A.    |                    |
|    |                | D.R.    |                    |
|    |                | T. G.   | September 23, 2003 |
|    |                | P. M.   |                    |
|    |                | No Name | October 6, 2003    |
|    |                | R. C.   |                    |

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|----|---------------|-------------------------------------------|------------------|
|    |               | B. A.<br>D. C.<br>K. L.<br>D. R.<br>R. T. | October 6, 2003  |
| 53 | May 4, 2004   | J. C.                                     | October 30, 2003 |
| 54 | June 10, 2004 | K. L.                                     | March 25, 2004   |
|    |               | T. G.                                     | April 1, 2004    |

15. In furtherance of the conspiracy and to effect the objects thereof, defendants KENNETH F. HARTLEY and RYAN MCCOURT committed and caused to be committed, in the District of Massachusetts and elsewhere, numerous overt acts including those set forth below. Each of the following overt acts involved the submission of a claims package containing false information regarding the classification of apprentice level workers' labor at the higher journeymen rate as part of a claim for payment.

| Overt Act | Date False Claim<br>Submitted to CA/T<br>Project | Apprentice Falsely Billed as<br>Journeyman | T&M Date         |
|-----------|--------------------------------------------------|--------------------------------------------|------------------|
| 1         | January 2, 2004                                  | K. L.<br>B. A.                             | November 3, 2003 |

|   |                   |                |                   |
|---|-------------------|----------------|-------------------|
| 2 | January 2, 2004   | S. H.          | November 25, 2003 |
|   |                   | S. H.          | November 26, 2003 |
|   |                   | S. H.          | December 8, 2003  |
|   |                   | S. H.          | December 9, 2003  |
| 3 | February 13, 2004 | S. C.          | October 9, 2003   |
|   |                   | S. C.          | October 10, 2003  |
| 4 | April 2, 2004     | S. H.          | December 8, 2003  |
|   |                   | S. H.          | December 11, 2003 |
| 5 | April 22, 2004    | B. A.          | November 22, 2003 |
|   |                   | G. M.<br>D. C. | December 9, 2003  |

|   |             |       |                   |
|---|-------------|-------|-------------------|
| 6 | May 4, 2004 | J. C. | October 30, 2003  |
|   |             | J. C. | December 9, 2003  |
|   |             | J. C. | December 10, 2003 |
|   |             | J. C. | December 11, 2003 |
|   |             | J. C. | December 13, 2003 |
|   |             | J. C. | December 14, 2003 |
|   |             | J. C. | December 17, 2003 |
|   |             | J. C. | December 18, 2003 |

|   |               |                |                |
|---|---------------|----------------|----------------|
| 7 | June 10, 2004 | K. L.          | April 2, 2004  |
|   |               | K. L.<br>G. M. | April 14, 2004 |
|   |               | G. M.          | April 16, 2004 |
|   |               | G. M.<br>K. L. | April 20, 2004 |
|   |               | G. M.<br>K. L. | April 21, 2004 |
|   |               | G. M.          | April 22, 2004 |
|   |               | G. M.<br>K. L. | April 23, 2004 |
|   |               | G. M.          | April 26, 2004 |
|   |               | G. M.          | April 27, 2004 |
|   |               | G. M.          | April 28, 2004 |
|   |               | G. M.          | April 29, 2004 |
|   |               | K. L.<br>G. M. | April 30, 2004 |
|   |               | K. L.<br>G. M. | May 3, 2004    |
|   |               | G. M.          | May 4, 2004    |
|   |               | G. M.          | May 5, 2004    |



|  |  |                |              |
|--|--|----------------|--------------|
|  |  | G. M.          | May 6, 2004  |
|  |  | G. M.          | May 7, 2004  |
|  |  | K. L.          | May 10, 2004 |
|  |  | K. L.          | May 13, 2004 |
|  |  | K. L.<br>G. M. | May 14, 2004 |

16. Beginning in or about July 2004 and continuing through about December 2005, in furtherance of the conspiracy and to effect the objects thereof, defendant RYAN MCCOURT committed and caused to be committed, in the District of Massachusetts and elsewhere, numerous overt acts including those set forth below. Each of the following overt acts involved the submission of a claims package containing false information regarding the classification of apprentice level workers' labor at the higher journeymen rate as part of a claim for payment.

| <b>Overt Act</b> | <b>Date False Claim<br/>Submitted to CA/T<br/>Project</b> | <b>Apprentice Falsely Billed<br/>as Journeyman</b> | <b>T&amp;M Date</b> |
|------------------|-----------------------------------------------------------|----------------------------------------------------|---------------------|
| 1                | August 4, 2004                                            | D. C.<br>T. G.                                     | May 14, 2004        |

|   |                   |       |                   |
|---|-------------------|-------|-------------------|
|   |                   | D. C. | May 18, 2004      |
|   |                   | T. G. |                   |
|   |                   | K. L. | July 1, 2004      |
|   |                   | D. C. | July 2, 2004      |
|   |                   | K. L. |                   |
|   |                   | K. L. | July 6, 2004      |
|   |                   | K. L. | July 7, 2004      |
|   |                   | K. L. | July 8, 2004      |
| 2 | November 10, 2004 | D. C. | March 11, 2004    |
|   |                   | D. C. | March 15, 2004    |
| 3 | December 29, 2004 | D. C. | August 19, 2004   |
|   |                   | T. G. |                   |
|   |                   | D. C. | August 23, 2004   |
|   |                   | T. G. |                   |
|   |                   | D. C. | August 25, 2004   |
|   |                   | T. G. |                   |
|   |                   | D. C. | August 30, 2004   |
|   |                   | T. G. |                   |
|   |                   | D. C. | August 31, 2004   |
|   |                   | T. G. |                   |
| 4 | January 31, 2005  | P. H. | December 20, 2004 |
|   |                   | P. H. | December 22, 2004 |

|   |                   |       |                  |
|---|-------------------|-------|------------------|
| 5 | February 10, 2005 | D. C. | January 17, 2005 |
|   |                   | D. C. | January 18, 2005 |
|   |                   | T. G. |                  |
|   |                   | D. C. | January 20, 2005 |
|   |                   | T. G. |                  |
|   |                   | D. C. | January 21, 2005 |
|   |                   | D. C. | January 25, 2005 |
|   |                   | T. G. |                  |
| 6 | March 11, 2005    | D. C. | January 28, 2005 |
|   |                   | J. C. | October 11, 2003 |
|   |                   | P. D. |                  |
|   |                   | G. M. |                  |
|   |                   | J. P. |                  |
|   |                   | E. R. |                  |
|   |                   | J. C. | October 14, 2003 |
|   |                   | P. D. |                  |
|   |                   | G. M. |                  |
|   |                   | J. P. |                  |
|   |                   | E. R. |                  |
|   |                   | J. C. | October 15, 2003 |
|   |                   | T. G. | December 5, 2003 |
|   |                   | L. P. |                  |
|   |                   | G. M. | December 8, 2003 |

|    |                  |       |                   |
|----|------------------|-------|-------------------|
| 7  | April 6, 2005    | L. C. | March 26, 2003    |
|    |                  | T. G. |                   |
|    |                  | B. D. |                   |
| 8  | April 15, 2005   | D. C. | March 25, 2004    |
| 9  | April 19, 2005   | J. N. | March 24, 2005    |
| 10 | April 25, 2005   | K. L. | May 12, 2004      |
| 11 | May 6, 2005      | J. C. | November 8, 2003  |
|    |                  | G. M. |                   |
|    |                  | G. M. | November 9, 2003  |
|    |                  | G. M. | November 10, 2003 |
|    |                  | G. M. | November 12, 2003 |
|    |                  | G. M. | November 13, 2003 |
| 12 | May 9, 2005      | G. M. | March 8, 2004     |
| 13 | October 14, 2005 | G. M. | March 24, 2004    |
|    |                  | G. M. | March 25, 2004    |
|    |                  | G. M. | March 26, 2004    |
|    |                  | G. M. | March 29, 2004    |
|    |                  | K. L. |                   |
|    |                  | K. L. | March 30, 2004    |
|    |                  | G. M. |                   |
|    |                  | B. R. |                   |
|    |                  | K. L. | June 3, 2004      |

|    |                   |       |                    |
|----|-------------------|-------|--------------------|
| 14 | November 15, 2005 | W. J. | November 19, 2002  |
|    |                   | B. A. |                    |
|    |                   | K. L. |                    |
|    |                   | B. A. | November 20, 2002  |
| 15 | November 18, 2005 | B. F. | September 10, 2002 |
|    |                   | J. L. |                    |
|    |                   | M. P. | September 12, 2002 |
|    |                   | J. L. | December 3, 2002   |
|    |                   | J. Y. |                    |
| 16 | November 21, 2005 | P. H. | December 13, 2004  |
| 17 | December 7, 2005  | D. C. | November 22, 2004  |
|    |                   | D. C. | March 11, 2005     |
| 18 | December 8, 2005  | D. C. | July 5, 2005       |
|    |                   | K. M. |                    |

All in violation of Title 18, United States Code, Section 371.

MICHAEL J. SULLIVAN  
United States Attorney



Eugenia M. Carris  
Assistant United States Attorney

Dated: June 19, 2008